

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

RALPH CALAME, JR.,)	
)	
Plaintiff,)	Case No. 13-00441 -GPM
)	
v.)	Hon. _____
)	
AARON'S, INC.,)	
)	
Defendant.)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1331, 1441, and 1446, Defendant, Aaron's, Inc. ("Aaron's"), by and through its attorneys Seyfarth Shaw LLP, files this Notice of Removal with respect to Case No. 2013-L-521 filed in the Circuit Court of Madison County of the Third Judicial Circuit of Illinois. In support of this Notice, Exel states as follows:

1. On or about April 1, 2013, Plaintiff Ralph Calame, Jr. ("Calame") filed his Complaint in the Circuit Court of Madison County, Illinois, entitled *Ralph Calame, Jr. v. Aaron's, Inc.*, Case No. 2013-L-521.
2. The Complaint was served on Aaron's on April 8, 2013. A copy of the Summons, Complaint, and appearance of Plaintiff's attorney, which constitutes all "summons, pleadings and orders" mailed to Defendants in the state court action, is attached as Exhibit A. See 28 U.S.C. § 1446(a).
3. The gravamen of Calame's Complaint is that Aaron's improperly discriminated against and terminated Calame's employment based upon his religion in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.* (See Ex. A, Compl. ¶5.)

4. Pursuant to 28 U.S.C. § 1441(a), “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.” ¶

5. Calame’s Title VII claim arises under the laws of the United States within the meaning of 28 U.S.C. § 1331. Accordingly, this action is removable to this Court pursuant to 28 U.S.C. § 1441(a).

6. Removal is appropriate “to the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a). Pursuant to 28 U.S.C. § 102(a)(1), this Court embraces the Circuit Court of Madison County of the Third Judicial Circuit of Illinois. Accordingly, this Court is the appropriate venue for removal of this action. 28 U.S.C. § 1441(a).

7. This Notice of Removal has been filed within thirty (30) days after receipt of the Complaint and thus is timely pursuant to 28 U.S.C. § 1446(b) and Rule 6 of the Federal Rules of Civil Procedure.

8. Prompt written notice of this Notice of Removal is being sent to Plaintiff through his counsel, and to the Clerk of Court for the Circuit Court of Madison County of the Third Judicial Circuit of Illinois, as required by 28 U.S.C. § 1446(d). A copy of the notice is attached as Exhibit B.

9. Based on the foregoing, this Court has original jurisdiction over this action pursuant to 28 U.S.C. §§ 1331; therefore, the Court properly may exercise jurisdiction over this lawsuit. 28 U.S.C. § 1441(a).

10. Exel submits this Notice of Removal without waiving any defenses to the claims asserted by Plaintiff, without conceding that Plaintiff has pled claims upon which relief can be granted, and without admitting that Plaintiff is entitled to any monetary or equitable relief whatsoever.

WHEREFORE, Defendant Aaron's, Inc. respectfully requests that this action now pending before the Circuit Court of Madison County, Illinois be removed to this Court.

DATED: May 7, 2013

Respectfully submitted,

AARON'S INC.,

By: s/Richard B. Lapp
One of Its Attorneys

Richard B. Lapp (rlapp@seyfarth.com)
Kyle R. Hartman (khartman@seyfarth.com)
SEYFARTH SHAW LLP
131 South Dearborn Street
Suite 2400
Chicago, Illinois 60603
(312) 460-5000

CERTIFICATE OF SERVICE

Kyle R. Hartman, an attorney, certifies that he caused the foregoing NOTICE OF REMOVAL to be filed with the Clerk of the Court on this 7th day of May, 2013, and served on all counsel of record, as listed below, via certified U.S. Mail, return receipt requested:

Thomas O. Falb
Williamson, Webster, Falb & Glisson
603 Henry St.
Alton, IL 62002
Telephone: (618) 462-1077
Fax: (618) 462-1080
Attorneys for Plaintiff

s/ Kyle R. Hartman
Kyle R. Hartman

EXHIBIT A

04/08/2013 13:25 6182591437

AARONS

PAGE 02

April 1, 2013

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT
MADISON COUNTY
155 N Main St., Edwardsville, IL 62025
(618) 296-4464
madisoncountycircuitclerkIL.com

CASE No. 2013 L 000521

DATE: April 01, 2013

RALPH CALAME JR

PLAINTIFF

VS.

AARONS INC
614 WEST ST LOUIS AVE
EAST ALTON, IL 62024

DEFENDANT

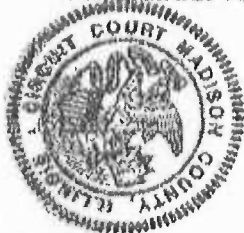
DEFENDANT: AARONS INC

You are hereby summoned and required to file an answer in this case, or otherwise file your appearance, in the office of the Madison County Circuit Clerk, within 30 days after service of this summons, exclusive of the day of service. If you fail to do so, a judgment or decree by default may be taken against you for the relief prayed in the complaint.

This summons must be returned by the officer or other person to whom it was given for service, with endorsement thereon of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed.

This summons may not be served later than 30 days after its date.

Witness: MARK VON NIDA the Clerk of said Circuit Court and the seal thereof, at Edwardsville, Illinois, this April 1, 2013.



MARK VON NIDA
CLERK OF THE CIRCUIT COURT

BY: ABentlage
Deputy Clerk

(Plaintiff's attorney or plaintiff if he is not represented by an attorney)
THOMAS O. FALB
WILLIAMSON WEBSTER FALB & GLISSON
603 HENRY ST
ALTON, IL 62002

Date of Service: 4/7, 2013
(To be inserted by officer on the copy left with the defendant or other person)

04/08/2013 13:25 6182591437

AARONS

PAGE 03

IN THE CIRCUIT COURT FOR THE THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

FILED

APR 01 2013

CLERK OF CIRCUIT COURT #6
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

RALPH CALAME, JR.,

Plaintiff,

v.

AARON'S INC.,

Defendant.

No. 13-1521

COMPLAINT

Now Comes Plaintiff, RALPH CALAME, JR., and for his Complaint against

Defendant, AARON'S INC., states as follows:

1. That at all times herein the Defendant was a corporation doing business in East Alton, Madison County, Illinois.
2. That at all times mentioned herein, the Title VII of the Civil Rights Act of 1964 was in force and had to be followed by the Defendant.
3. That Plaintiff filed a Charge with the EEOC concerning religious discrimination and has received a Right to Sue letter.
4. That Plaintiff was an employee of the Defendant up until March 5, 2012, when he was fired by the Defendant's Agent and Regional Manager.
5. That the Defendant is guilty of violating Title VII of Civil Rights Act of 1964 in that the Defendant, by and through its agents and employees, discriminated against the Plaintiff based upon his religion in the following respects:
 - a. that Plaintiff was treated well until the Regional Manager found out that

04/08/2013 13:25 6182591437

AARONS

PAGE 04

Plaintiff was a pastor of a church;

b. once this was discovered, Plaintiff was subject to a hostile work environment in that he was harassed concerning his religion;

c. because of his religion, Plaintiff was caused to be terminated;

6. As a direct and proximate result of the aforesaid discrimination, Plaintiff has been caused to suffer lost wages, lost benefits, has incurred pain and suffering, humiliation, embarrassment, loss of enjoyment of life, loss of normal life, and that these damages are ongoing.

WHEREFORE, Plaintiff prays for judgment against this Defendant in an amount in excess of \$50,000.00, plus cost of suit.

RALPH CALAME, JR., Plaintiff

BY: 

Thomas O. Falb - #00768804

WILLIAMSON, WEBSTER, FALB & GLISSON

Attorneys for Plaintiff

603 Henry Street

Alton, IL 62002

(618) 462-1077 telephone

04/08/2013 13:25 6182591437

AARONS

PAGE 05

IN THE CIRCUIT COURT FOR THE THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

RALPH CALAME, JR.,

Plaintiff,

v.

AARON'S INC.,

Defendant.

No. 13-

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FILED

APR 01 2013

CLERK OF CIRCUIT COURT #6
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

AFFIDAVIT REGARDING DAMAGES SOUGHT

I, Thomas O. Falb, of the law firm of Williamson, Webster, Falb & Glisson, attorney for the Plaintiff, RALPH CALAME, JR., hereby state under oath the following:

1. That the total of money damages sought in this case is more than Fifty Thousand Dollars (\$50,000.00).
2. That this Affidavit is pursuant to Supreme Court Rule 222(b).

By:

Thomas O. Falb
THOMAS O. FALB - #00768804
Williamson, Webster, Falb & Glisson
Attorneys at Law
603 Henry Street
Alton, IL 62002
(618) 462-1077

Subscribed and sworn to before me, a Notary Public, this 11th day of March, 2013.



Jennifer L. Stephens
Notary Public

04/08/2013 13:25 6182591437

AARONS

PAGE 06

IN THE CIRCUIT COURT FOR THE THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

FILED

APR 01 2013

CLERK OF CIRCUIT COURT #6
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

RALPH CALAME, JR.,

Plaintiff,

v.

AARON'S INC.,

Defendant.

No. 13-

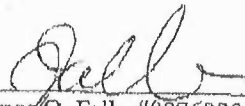
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ENTRY OF APPEARANCE

COMES NOW, Thomas O. Falb, of the law offices of Williamson, Webster, Falb & Glisson, and hereby enters his appearance on behalf of the Plaintiff, RALPH CALAME, JR., in the above-styled case.

RALPH CALAME, JR., Plaintiff

BY:



Thomas O. Falb, #00768804
Williamson, Webster, Falb & Glisson
603 Henry Street
Alton, IL 62002
618-462-1077

Exhibit B

**IN THE CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS**

RALPH CALAME, JR.,

Plaintiff,

v.

AARON'S, INC.,

Defendant.

)
)
)
) Case No. 2013-L-521
)
)
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)
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**NOTICE OF FILING OF DEFENDANT'S NOTICE OF
REMOVAL TO THE UNITED STATES DISTRICT
COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS**

TO: Mark Von Nida
Madison County Courthouse
The Office of the Circuit Clerk
155 North Main Street
Edwardsville, IL 62025

Thomas O. Falb
Williamson, Webster, Falb & Glisson
603 Henry St
Alton, IL 62002
Attorneys for Plaintiff

Defendant Aaron's, Inc., pursuant to 28 U.S.C. § 1446(d), notifies you that on May 7, 2013, it filed in the United States District Court For The Southern District Of Illinois, Defendant's Notice of Removal of this action. A copy of Defendant's Notice of Removal is attached as Exhibit A.

Pursuant to 28 U.S.C. § 1446(d), the Circuit Court of Madison County, State of Illinois, shall proceed no further with Civil Action No. 2013-L-521 unless and until the case is remanded.

DATED: May 7, 2013

Respectfully submitted,

EXEL, INC.,

By: /s/ Kyle R. Hartman
One Of Its Attorneys

Richard B. Lapp (rlapp@seyfarth.com)
Kyle R. Hartman (khartman@seyfarth.com)
SEYFARTH SHAW LLP
131 South Dearborn Street
Suite 2400
Chicago, Illinois 60603
(312) 460-5000

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that a true and correct copy of the foregoing Notice of Filing of Defendant's Notice Of Removal To The United States District Court For The Southern District Of Illinois was served on all counsel of record, as listed below, and the Clerk of the Circuit Court of Madison County via certified U.S. Mail, return receipt requested, on the 7th day of May, 2013.

Thomas O. Falb
Williamson, Webster, Falb & Glisson
603 Henry St.
Alton, IL 62002
Telephone: (618) 462-1077
Fax: (618) 462-1080
Attorneys for Plaintiff

/s/ Kyle R. Hartman